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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 002195

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DEPARTMENT FOR EUR (DICARLO); EUR/SCE (HOH/FOOKS); NSC FOR BRAUN; OSD FOR BEIN

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TAGS: PGOV PREL PINR BK

SUBJECT: BOSNIA - POLICE REFORM TALKS FINALLY COLLAPSE

REF: A. SARAJEVO 2174

1B. SARAJEVO 2143

1C. SARAJEVO 2080

1D. SARAJEVO 2041

1E. SARAJEVO 1987

Classified By: Michael J. Murphy. Reasons 1.4(b) and (d).

11. (C) SUMMARY: High Representative Lajcak conducted a series of bilateral meetings with political party leaders warning them that they had one "last chance" to reach a deal on police reform; Croat party leaders distributed an alternative protocol that met the three EU principles and was designed to provide other party leaders with sufficient political cover to compromise; and the Ambassador met separately with Bosniak member of the Tri-Presidency Haris Silajdzic and Republika Srpska (RS) PM Milorad Dodik to urge them to "say yes to Europe." Despite these efforts, October 11 all party talks collapsed without a deal on police reform. The HighRep will now travel to Brussels for an October 15 meeting of the EU General Affairs and External Relations Council and report that his seven week effort to broker a deal on police reform has failed. According to OHR staff, he blames Silajdzic and Dodik for the failure. The HighRep will also meet with Quint Political Directors in Brussels to discuss next steps. We now must ensure that the HighRep and the Europeans support the types of actions required to address the deteriorating political situation in Bosnia. END SUMMARY

OHR and the "Croat Compromise"

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12. (C) HighRep Lajcak conducted a series of bilateral meetings with political party leaders October 9-11 to make one final push for a police reform deal (Ref B). In his first meeting, on October 9, he gave HDZ-BiH leader Dragan Covic an OHR-drafted compromise protocol and asked Covic to present it as a "Croat Compromise" (Ref A). Lajcak told the Ambassador that he hoped the two-page "Croat Compromise" would give party leaders a chance to embrace an alternative to his protocol and the Dodik-Silajdzic Protocol (Ref C) without losing political face. Lajcak shared his view that Silajdzic was under enough Bosniak political pressure to accept the compromise and that Dodik could accept this proposal if only not to be singled out as the only one that blocked the deal. HDZ-BiH and HDZ-1990 circulated "their proposal" to the other party leaders for comment on October 10 and jointly invited all political party leaders to attend a meeting in Sarajevo October 11 at 2 pm to discuss it.

¶13. (C) Unlike the Silajdzic-Dodik Protocol, the "Croat Compromise" has been blessed by EU Enlargement Commission Oli Rehn as being in line with the three principles; though Lajcak's public line is that he has forwarded it to Brussels for analysis. The compromise calls for legislative and budget authority at the state level and establishes local police bodies as administrative organs of the Bosnian Ministry of Security. The "Croat Compromise" dispenses with the cumbersome budgetary mechanism contained in the Lajcak Protocol. While each local police body (LPB) would prepare its own budget, these would be submitted to the Ministry of Security and their adoption would follow "existing procedures for state-level institutions." Though the provisions include reference to consultation with "relevant authorities" in Republika Srpska, Cantons and Brcko, these provisions are an improvement on those contained in the Lajcak Protocol, which Bosniaks should welcome.

¶14. (C) The "Croat Compromise" calls for ten local police bodies in the Federation, one for Brcko District, and one for the RS. The RS LPB would be divided into at least five areas of operation including one for the Srebrenica region. Each LPB would be headed by a Local Police Commissioner. These provisions could provide RS PM Milorad Dodik with the political cover he requires to claim that he maintained the RS police even as he agrees to state control of the police. Whereas the Silajdzic-Dodik Protocol made no provision for the transfer of competencies, the "Croat Compromise" contains a timeline for the transfer competencies for police matters from the Cantons to the Federation and from the Federation

SARAJEVO 00002195 002 OF 003

and RS to the state.

Ambassador Urges Silajdzic and Dodik to Compromise

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¶15. (C) The Ambassador met with Silajdzic on October 10 to discuss police reform and urge him to make the compromises necessary to ensure Bosnia can begin its journey towards EU membership. The Ambassador said that he understood how heavily the history of the 1992-1995 war weighed on Bosnia, but stressed that Silajdzic and other political leaders needed to focus on the future. He reminded Silajdzic that an SAA would accelerate Bosnia's political evolution and push the country in the direction Silajdzic wants to take it. Silajdzic responded that the Croat Compromise was "even worse" than the Lajcak Protocol. He could not accept any agreement that allowed the RS police to continue to exist, adding the International Court of Justice (ICJ) had found the RS police guilty of committing genocide. Silajdzic admitted that his deal with Dodik was a political deal designed to buy time, not resolve police reform. He argued that the HighRep should "just impose police reform legislation." He warned the Ambassador that he would not put the ICJ verdict "in the archives," adding that Bosniaks seeking justice could not be patient forever.

¶16. (C) At an October 11 meeting, the Ambassador urged Dodik to "say yes to Europe, and to say it today." The Ambassador told Dodik that U.S. believed Bosnian membership in NATO and the EU was the most effective means of ensuring that the country enjoys a stable, peaceful and prosperous future. Reaching an agreement on police reform acceptable to the EU was a necessary milestone on the path to Europe, the Ambassador said. Dodik claimed that the RS had made "major concessions" on police reform, and complained that the EU has deemed these insufficient. Dodik said that he does not want to be "the man who blocks Bosnia's path to Europe" but he said he could not accept the "Croat Compromise." The Croat proposal failed to provide clarity on RS police operations and status, he said. Dodik also objected to its call for the creation of a special area of police operations for the

Srebrenica region. Dodik stressed that he accepts Bosnia as a country with one army, but he insisted that police forces in Bosnia must be compatible with the constitutional structure of the country.

The All Party Crash

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17. (C) Prior to the October 11 all party meeting, SNSD and SDA submitted written comments on the Croat proposal. The SDA comments appeared minor but were politically problematic, requesting the "Local Police Body for the RS" be referred to as the "Local Police Body for the RS in Bosnia and Herzegovina." SNSD submitted a four page counter proposal, which OHR legal analysts said violated the first EU principle, including no provision to transfer any competencies from the Entity to State level; making the RS police responsible to the RS government; allowing the RS government to appoint the RS police director; and providing a significant role for the RS National Assembly in adopting police budgets. In essence the SNSD comments appeared to be an outright rejection of the Croat proposal. This was confirmed at the October 11 all party when Serb member of the Tri-Presidency Radmanovic, who represented SNSD, failed to engage other party leaders constructively. According to the HighRep, who attended the meeting as an "observer," Silajdzic also played the role of spoiler; Silajdzic's rhetoric echoed what he had told the Ambassador the day before.

What Happens Next

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18. (C) Despite the failure to reach an agreement, the HighRep, in his capacity as EUSR, plans to establish a new technical working group, which will be charged with drafting police reform legislation. The EU Police Mission (EUPM) would likely lead this group. OHR staff tell us that the HighRep will shift his focus from police reform to other priorities. Lajcak reportedly told party leaders after the failed talks that he will travel to Brussels on October 15 to report to the EU General Affairs and External Relations Council (GAERC) as "EUSR," but will return as "HighRep" with

SARAJEVO 00002195 003 OF 003

an OHR agenda. He told party leaders that he expects the EC Annual Progress report on Bosnia, which is due in early November, will indicate that the EC is not satisfied with Bosnia's progress. OHR sources say the HighRep will not establish any more deadlines for police reform and if the parties come to an agreement on their own, perhaps they may be able to turn the ship around.

Comment

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19. (C) Police reform's failure does not come as a surprise (we doubt anyone will pull a rabbit out of the hat before Sunday, October 14). OHR places primary blame for its failure on Dodik and Silajdzic. We share this assessment, though we would add that Tihic played an unhelpful role until we and others in the international community brought considerable pressure to bear on him. Police reform's failure is merely the symptom of larger challenges to our strategic objectives in Bosnia. We now need to refocus the HighRep and the Europeans on the actions required to address the deteriorating political situation in Bosnia (Ref D). We have received some signals that the Europeans may be reluctant to provide the HighRep with the backing at the October 15 Quint Political Directors that he requires to make robust use of his Bonn Powers when he returns to Sarajevo. We will need to stiffen their resolve.

ENGLISH